

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**KHANIS MORNINGSTAR
ADC #164590**

PLAINTIFF

v.

No: 4:20-cv-00835 JM

RITCHIE MALLETT, et al.

DEFENDANTS

ORDER

Plaintiff Khanis Morningstar filed a *pro se* complaint, pursuant to 42 U.S.C. § 1983, on July 13, 2020 (Doc. No. 2). On July 15, 2020, the Court entered an order denying Morningstar's motion to proceed *in forma pauperis* (Doc. No. 1) and directing Morningstar to submit the full \$400.00 filing and administrative fees or file a fully completed *in forma pauperis* application within 30 days. *See* Doc. No. 4. Morningstar was cautioned that failure to comply with the Court's order within that time would result in the dismissal of his case.

More than 30 days have passed, and Morningstar has not complied or otherwise responded to the July 15 order. Accordingly, the Court finds that this action should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2) and failure to respond to the Court's orders. *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

IT IS THEREFORE ORDERED THAT Morningstar's complaint (Doc. No. 2) is DISMISSED WITHOUT PREJUDICE.

DATED this 20th day of August, 2020.


UNITED STATES DISTRICT JUDGE